

## **REMARKS**

### **The Amendments**

The specification is amended to delete the priority claim in view of the cancellation of Claims 1-21. This amendment is consistent with the priority date that the Examiner has accorded to the instant pending claims.

The abstract is amended to delete the redundant language.

Claims 1-21 are cancelled as drawn to non-elected invention. A divisional application was filed directed to the cancelled claims. Claims 33-54 are also cancelled.

Claims 22 and 55 have been amended to clarify that the electrophoretic display comprises (a) at least one electrode layer, (b) at least one display cell which is filled with an electrophoretic fluid and (c) at least one electrode protecting layer which is present between the electrophoretic fluid and the electrode layer. The electrode protecting layer is formed from a composition comprising a conductive filler in the form of nanoparticles and having a volume resistivity of less than about  $10^4$  ohm cm.

The support for the amended Claims 22 and 55 can be found in the disclosure on page 6, lines 6-20 and Figures 1A and 1B. The electrode protecting layer (i.e., the adhesive layer 15, the sealing layer 14 or the primer layer 13) is present between the electrophoretic fluid filled in the display cell (10) and one of the electrode layers (11 or 12).

New Claims 57-77 are supported by the original Claims 34-54.

Other amendments are for clarity only. No new matter is introduced.

### **Provisional Double Patenting Rejection**

Claims 22-28, 33-41, 46-51 and 53-56 are provisionally rejected on the ground of non-statutory obvious-type double patenting as allegedly being unpatentable over Claims 1-32 of co-pending Application No. 11/062,245.

Claims 33-41, 46-51, 53 and 54 have been cancelled.

Applicants are submitting herewith a Terminal Disclaimer to obviate the rejection.

**35 USC 102(b) Rejection**

Claims 22, 23, 28, 33-37, 41, 46-51 and 53-56 are rejected under 35 USC 102(b) as allegedly being anticipated by Ogata et al (US Patent No. 4,466,701).

Claims 33-37, 41, 46-51, 53 and 54 have been cancelled.

Claims 22 and 55 have been amended to clarify that the electrophoretic display comprises (a) at least one electrode layer, (b) at least one display cell which is filled with an electrophoretic fluid and (c) at least one electrode protecting layer. In addition, Claims 22 and 55 specify that the electrode protecting layer is present between the electrophoretic fluid and the electrode layer and is formed from a composition comprising a conductive filler in the form of nanoparticles and having a volume resistivity of less than about  $10^4$  ohm cm.

Ogata et al disclose an electrooptical device. The display device of Ogata et al is described in column 2, at lines 51-68.

First of all, the display device of Ogata et al is a liquid crystal display (see column 2, line 63), not an electrophoretic display.

Secondly, Ogata et al do not specifically disclose or suggest that the protective layer (10) is formed from a composition which comprises a conductive filler having a volume resistivity of less than about  $10^4$  ohm cm.

However, most critically, Ogata et al do not disclose an electrode protecting layer which is present between an electrophoretic fluid and an electrode layer. According to Ogata et al, the reference display device has a front base plate (1) and a back base plate (2). On the inner side of the front base plate, there is an electrode (3) and lead terminals (4) for connection to an external circuit. On the inner side of the back base plate, there is a counter electrode (5). The base plates (1 and 2) are spaced from each other and sealed along their periphery by a sealing material (6).

In Ogata et al, the protective layer (10) of an electrically conductive material comprising electrically conductive particles and a binder is formed on the lead terminals (4) and may be partially embedded in the sealing member (6). Neither the lead terminals nor the sealing member of Ogata et al is present between the liquid crystal 7 (filled between the two base plates) and one of the electrodes ((3 or 5).

Therefore, the subject matter of Claims 22 and 55 are not anticipated by Ogata et al.

This also applies to claims which are dependent from Claim 22 and 55, namely, Claims 23-32 and Claim 56-77.

**35 USC 102(a), 102(b), 103(a) Rejections**

Claims 22-28, 33-41, 46-51 and 53-54 are rejected under 35 USC 102(a)/(b) as allegedly being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over either Shibuta (US Patent No. 5,908,585) or Glatkowski (Carbon Nanotube based Transparent Conductive Coatings).

Claims 33-41, 46-51 and 53-54 have been cancelled.

Shibuta et al disclose only a transparent electrically conductive film. Glatkowski disclose carbon nanotube based transparent conductive coatings.

Neither of the two references mentions an electrophoretic display, let alone an electrophoretic display which comprises the structural features of Claim 22. In addition, neither of the references teaches or in any way suggests the concept that an electrode protecting layer comprising a conductive filler of certain properties can protect an electrode layer in the same electrophoretic display, thus the references do not provide a method for improving the performance of an electrophoretic display.

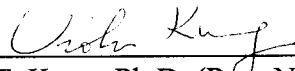
Therefore, Claim 22 is not anticipated by Shibuta et al or Glatkowski, or obvious over Shibuta et al or Glatkowski, alone or in combination. This also applies to dependent Claims 23-28.

**CONCLUSION**

Applicants believe that the application is now in good and proper condition for allowance. Early notification of allowance is earnestly solicited.

Respectfully submitted,

Date: March 28, 2007

  
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Viola T. Kung, Ph.D. (Reg. No. 41,131)

**HOWREY LLP**  
2941 Fairview Park Drive  
Box 7  
Falls Church, VA 22042  
Ph. (650) 798-3570